

	<b>U.S. ENVIRONMENTAL PROTECTION AGENCY</b>  <b>Assistance Amendment</b>		<b>GRANT NUMBER (FAIN):</b> 98247701	<b>DATE OF AWARD</b> 06/17/2004
			<b>MODIFICATION NUMBER:</b> 2	
			<b>PROGRAM CODE:</b> V	
			<b>TYPE OF ACTION</b> Augmentation: Increase	
			<b>PAYMENT METHOD:</b> Reimbursement	<b>ACH#</b>
<b>RECIPIENT TYPE:</b> Indian Tribe			<b>Send Payment Request to:</b> Financial Management Branch	
<b>RECIPIENT:</b> Saint Regis Mohawk Tribe 412 State Route 37 Akwasasne, NY 13655 EIN: 16-1007650			<b>PAYEE:</b> Saint Regis Mohawk Tribe 412 State Route 37 Akwasasne, NY 13655	
<b>PROJECT MANAGER</b> Ken Jock 412 State Route 37 Akwasasne, NY 13655 E-Mail: Phone: 518-358-5937		<b>EPA PROJECT OFFICER</b> Joel Singerman 290 Broadway, EERRD/NYRB/CNYR New York, NY 10007-1866 E-Mail: Singerman.Joel@epamail.epa.gov Phone: 212-637-4258		<b>EPA GRANT SPECIALIST</b> Yvette MarCardona Grants & Contracts Mgt. Branch, OPM/GCMB E-Mail: MarCardona.Yvette@epamail.epa.gov Phone: 212-637-3409
<b>PROJECT TITLE AND EXPLANATION OF CHANGES</b> SRMT - REYNOLDS METALS SUPERFUND SITE Increase of Funds (Supplemental); Time Extension (Amendment); The Cooperative Agreement with the Saint Regis Mohawk Tribe is increased by \$28,883 for support agency assistance activities related to Remedial Design and Remedial Action at the Reynolds Metals Superfund site. Additionally, the project/budget period expiration dates are extended through December 31, 2004. This action is based on your application dated December 4, 2003.				
<b>BUDGET PERIOD</b> 10/01/2001 - 12/31/2004	<b>PROJECT PERIOD</b> 10/01/2001 - 12/31/2004	<b>TOTAL BUDGET PERIOD COST</b> \$103,931.00	<b>TOTAL PROJECT PERIOD COST</b> \$103,931.00	
<b>NOTICE OF AWARD</b>				
Based on your Application dated 12/12/2002 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$28,883. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$103,931. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
<b>ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)</b>			<b>AWARD APPROVAL OFFICE</b>	
<b>ORGANIZATION / ADDRESS</b> Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866			<b>ORGANIZATION / ADDRESS</b> U.S. EPA, Region 2 Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866	
<b>THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY</b>				
<b>Digital signature applied by EPA Award Official</b> Joann Brennan McKee - Acting Assistant Regional Administrator for Policy and Management				<b>DATE</b> 06/17/2004

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FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 75,048	\$ 28,883	\$ 103,931
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 75,048	\$ 28,883	\$ 103,931

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

[illegible]

Budget Summary Page: REYNOLDS METALS SITE

<b>Table A - Object Class Category (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. Personnel</b>	\$25,750
<b>2. Fringe Benefits</b>	\$9,469
<b>3. Travel</b>	\$4,600
<b>4. Equipment</b>	\$4,500
<b>5. Supplies</b>	\$6,500
<b>6. Contractual</b>	\$39,250
<b>7. Construction</b>	\$0
<b>8. Other</b>	\$7,500
<b>9. Total Direct Charges</b>	\$97,569
<b>10. Indirect Costs: % Base</b>	\$6,362
<b>11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)</b>	\$103,931
<b>12. Total Approved Assistance Amount</b>	\$103,931
<b>13. Program Income</b>	\$0
<b>14. Total EPA Amount Awarded This Action</b>	\$
<b>15. Total EPA Amount Awarded To Date</b>	\$

## CONSOLIDATED TABLE OF ACTIVITIES

<b>Table B - Program Element Classification (Non-construction)</b>	<b>Total Approved Allowable Budget Period Cost</b>
<b>1. SUPPORT AGENCY ASSISTANCE</b>	\$
<b>2. - REMEDIAL ACTION</b>	\$96,617
<b>3. - REMEDIAL DESIGN</b>	\$7,314
<b>4.</b>	\$
<b>5.</b>	\$
<b>6.</b>	\$
<b>7. MATCH</b>	\$0
<b>8.</b>	\$
<b>9.</b>	\$
<b>10.</b>	\$
<b>11. Total (Share: Recip <u>0.00</u> % Fed <u>100.00</u> %)</b>	\$103,931
<b>12. Total Approved Assistance Amount</b>	\$103,931

## **Administrative Conditions**

### a. GENERAL CONDITION

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter 1, Subchapter B. The recipient warrants, represents, and agrees that it, and all its contractors, employees and representatives, will comply with all applicable provisions of 40 CFR Chapter 1, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of 40 CFR Part 35 Subpart O.

### b. TERMS AND CONDITIONS

All Terms and Conditions included or referenced in Amendment No. V98247701-0 remain in effect and are incorporated by reference herein, with the following exceptions:

Paragraph (a) of Condition No. 4, "PARTIES' REPRESENTATIVES," is hereby deleted and is replaced with the following updated version:

- (a) EPA has designated Mr. Joel Singerman, Emergency and Remedial Response Division, United States Environmental Protection Agency, Region 2, 290 Broadway, New York, New York, 10007-1866, (212) 637-4258, to serve as EPA Project Officer for this Cooperative Agreement.

Condition No. 11, "USE OF RECYCLED PAPER," is hereby deleted and is replaced with the following updated version:

#### 11. RECYCLED PAPER

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

#### **The following conditions are added:**

#### 18. PURCHASE OF PRODUCTS CONTAINING RECYCLED MATERIALS (RCRA)

Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

#### 19. NEW RESTRICTIONS ON LOBBYING

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms

accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

## 20. LIMITATION ON CHARGING COSTS - OVERDUE FINANCIAL STATUS REPORT

The recipient may incur costs on eligible activities, but is precluded from charging further costs to this Cooperative Agreement for costs incurred after December 12, 2003 until the recipient has submitted to the EPA Grants Office the overdue annual Financial Status Report(s) (SF-269A) showing expenditures through December 31, 2003. In the future, no reimbursements will be made for costs incurred during periods for which Financial Status Reports are overdue until the overdue reports have been submitted to the EPA Grants Office.

## 21. SUSPENSION AND DEBARMENT

Recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

## **Programmatic Conditions**

All Programmatic Conditions Remain the Same